1948. (K) File No. Fees Draft 48

Examined Legal DEPARTMENT

c BRANCH

Subject:—

Fees claimed by D.G. P.E. for drafting of legal documents under Rules 43 of L.O. Rs.

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File No. Fees Draft 48

Std. Sectt. Slip 24-B

C O N T E N T S.

egal Department.

Vol. Fees Draft/48.

Sr. No.	Compiliation No.	Subject.	Pages.
	Fees Draft/48	Fees claimed by D.G.P.'s for drafting a Legal documents under Rule 43 of L.D.Rs.	
1.	G.M.L.D.No.11180 27-11-48.	Remuneration under rule 22 of the Law Officers (Condition of Service) Rules for drafting two affidavits.	

Letter.
From

B. S. Mavinkurve, Esquire,
Public Prosecutor, Kanara, Karwar.

To

The Remembrancer of Legal Affairs, Bombay.

No. 436 of 1948. Dated the 14th Sept: 1948.

I am enclosing herewith copies of affidavits drafted by me for the District Magistrate of Kanara, in the two cases filed in the High Court of Bombay, under the Bombay Public Security Measures Act. In the former Mr. K.D.Upponi, one of the Pleaders of Karwar, was the applicant. In the latter, one Mr. D.N.Dharwadkar, a communist leader, was the applicant. The Government Pleader of Bombay called upon the District Magistrate, Kanara, to send his affidavits in consultation with me. I had therefore, to study all the papers in both the cases, and carefully prepare the affidavits. In the second case there were bundles of papers which I had to study. The applicant had made serious allegations against the District Magistrate of Kanara, covering several pages. They had to be denied or explained after studying all the papers. I am entitled to claim remuneration not exceeding Rs. 100/- for each such draft of legal documents. I therefore, request you to kindly sanction a reasonable amount for drafting these two affidavits under rule 22.

Public Prosecutor, Kanara.

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Legal Department

R.I.No.11830. dated 21-9-1948.

Submitted.

The District Public Prosecutor, Kanara, states that he drafted two affidavits for the Distt. Magistrate of Kanara in two cases filed in the High Court of Bombay under the Bombay Public Security Measures Act, 1947, one by Mr.K.D.Upponi , a pleader of Karwar and the other by Mr.D.N.Dharwadkar, a communist leader. He adds that he had to study all the papers in both the cases very carefully. In the second case the applicant had made serious allegations against the District Magistrate of Kanara covering several pages and there were bundles of papers which he had to study. In the circumstances he requests that reasonable remuneration for drafting these two affidavits may be sanctioned to him under rule 22 of the L.O.(C.of S.) Rules.

2. Under rule 22 of the L.O.(C.of S.) Rules a Government Pleader who is asked to draft a legal document or do any conveyancing work is entitled to such remuneration not exceeding Rs.100/- in each case as the Legal Remembrancer may see fit to grant.

For orders.

24-9-48

Supt 2/10.

A.S. Perhaps a fee of Rs 30 for both affidavits may be sanctioned.

R.L.R. 1/10/48

R.C.A. We must not set a precedent. This should be treated as part of his work

and it is so treated in all Distts. ~~Please make inquiries from other Distts~~ I do not think we have received any similar request from any other District. The G.P. Hqrs Court too settles affidavits without any charge. Please verify A above & put up with remarks

6/10

Submitted with reference to Secy's query above.

All the relevant Files have been gone Through but there does not appear to be any case in which a D.G.P. claimed fees for drafting an affidavit.

In this connection attention is invited to R.L.A's. memo. no. 8452, dated the 26th November 1946 in which x/o. 17, Jens Draft 46 the D.G.P. Ratnagiri was informed that he was not entitled to any fees for drafting a complaint as the drafting of a complaint was covered by rule 43 of the L.O.Rs. being one of his duties.

Rule 43 of the L.O.Rs. appears to be very wide in its scope and would seem to cover drafting of affidavits.

for orders.

Supt. 8-11-48

A.A.S. 20/11

Under rule 43 of the Law Officers Rules it is the duty of the D.G.P. to advise the District Magistrate, Bombay, on the form of affidavits

A.A.S.

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~~it be~~ required to be filed by the DPP Kanana in the Habeas Corpus applications in the High Court. He is not therefore entitled to any fee for doing the work which is not covered by rule 22 of the Law Officers (Conditions of Service) Rules,

RSP
23/11

RLA We showed add that for that reason no such claim has so far been made by any G.P.+ Public Prosecutor.

R

23/11

No. 11180

Office of the
Remembrancer of Legal Affairs,
Bombay Castle, 27th November 1948.

Subject:- Remuneration under rule 22 of the Law Officers (Conditions of Service) Rules for drafting two affidavits.

MEMORANDUM.

With reference to his letter No. 436, dated the 14th/15th September 1948, on the above subject, the District Public Prosecutor, Kanara, is informed that under rule 43 of the Law Officers' Rules it is the duty of a District Government Pleader and Public Prosecutor to advise the District Magistrate on the form of affidavits required to be filed by the District Magistrate in the Habeas Corpus applications in the High Court. He is not therefore entitled to any fee for doing the work which is not covered by rule 22 of the Law Officers (Conditions of Service) Rules . As the work of the above nature forms part of the duties of the District Government Pleader and Public Prosecutor no claim to any fee for such work has so far been made by any District Government Pleader and Public Prosecutor.

O.C. VSP

for Remembrancer of Legal Affairs,

To

The District Government Pleader, Kanara,

KARWAR.

Issued VSP 27/11

BM. 26.11. 26-11

Submitted for signature.
26.11.48
Supt 26/11
AAS

Subd. après visite
fils mi fils Jeus Draft / 1948

29-11-48

29/11

A.A.S. 29/11

Jeus draft 5/48